

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 08/594,983 Confirmation No.: 4234
Patent No. : 5,748,740
Issue Date: May 5, 1998
Applicant(s) : Curry et al
Title : Method, Apparatus, System and Firmware for Secure Transactions
Group Art Unit : 3642
Examiner : Bernard E. Gregory
Docket No. : 20661-457

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

October 27, 2010

CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify, pursuant to 37 CFR §1.8, that this correspondence is being electronically transmitted via the EFS filing system or faxed to the U.S. Patent and Trademark Office or deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: October 27, 2010

By: /Aimee Marth/

Aimee S. Marth

**PETITION FOR RECONSIDERATION UNDER 37 CFR 1.378(e) FOR THE LATE
PAYMENT OF MAINTENANCE FEES FOR U.S. PATENT NO. 5,748,740**

On August 27, 2010, the Examiner dismissed a petition, under 37 CFR 1.378(e), to revive the above-identified patent based on an unavoidable delayed payment of the maintenance fee. The Examiner dismissed the petition for failure to provide “an adequate, verified showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely” and failure to provide payment of the appropriate maintenance fees and payment of the surcharge fee. Petitioner hereby timely files a petition for reconsideration under 37 CFR 1.378(e) for revival of the above-identified patent and provide the requisite fees herewith.

In the dismissal, the Examiner requested additional information related to four specific topics from the person at Jenkins & Gilchrist responsible for payment of the maintenance fee. In particular, the Examiner requested a showing that “(1) the steps that were in place to ensure timely payment of the maintenance fee, (2) a complete explanation of how the system worked, (3) an explanation as to why the system failed in this instance, and (4) a documented showing that Jenkins & Gilchrist was in fact obligated to track the fee on behalf of the petitioner. In response thereto, the Petitioner provides a signed statement by Mr. Steven Greenfield, a patent attorney and partner at Jenkins & Gilchrist, during the time period relevant to this petition. In this statement, Mr. Greenfield responds fully to each of the Examiner’s requests for additional information.

The Petitioner also provides herewith fees for the following:

- (1) \$980 for the payment of the first maintenance fee;
- (2) \$2,480 for payment of the second maintenance fee;
- (3) \$700 for payment of the surcharge set forth in 37 CFR 1.20(i)(1); and
- (4) \$400 for payment of the petition fee set forth in 37 CFR 1.17(f).

The Commissioner is authorized to charge any additional fees due to USPTO Customer Account No. 502776.

Having completely responded to each of the Examiner’s lacking items, the Petitioner believes it has met the burden, under 37 CFR 1.378(b), to accept the unavoidable delay of the payment of the first and second maintenance fees for the above-identified patent. The Petitioner respectfully requests that the Examiner accept payment of these fees and allow the petition.

Patent No. : 5,748,740
Atty. Docket No. : 20661-457

Please feel free to contact the Attorney, Michael North, representing the Assignee in this matter at the contact information below.

Respectfully submitted,

Date: October 27, 2010

/Michael V. North/

Michael V. North
Reg No. 46,963

NORTH WEBER & BAUGH LLP
2479 E. Bayshore Rd., Ste 707
Palo Alto, CA 94303
(650) 856-7539, ext. 30